

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARLENE Y. GUYETTE,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Case No. C07-5581BHS-JKA

ORDER ADOPTING REPORT
AND RECOMMENDATION

The Court has reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold (Dkt. 9), Plaintiff's objections thereto (Dkt. 10), and the remainder of the file. The Court has also reviewed Plaintiff's arguments that she exhausted her administrative remedies and that the ALJ waived, tolled, or reopened the appeal when he issued his order on December 5, 2006. However, the Court agrees with Magistrate Judge J. Kelley Arnold and likewise is unpersuaded by Plaintiff's arguments. Therefore, the Court hereby finds and ORDERS:

- (1) The Court adopts the Report and Recommendation (Dkt. 9);
- (2) This action is DISMISSED WITH PREJUDICE; and
- (3) The Clerk is directed to send copies of this Order to all counsel of record and to the Honorable J. Kelley Arnold.

DATED this 2nd day of June, 2008.



BENJAMIN H. SETTLE
United States District Judge